

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION OF	)	
TIDEWATER UTILITIES, INC., TO	)	
ABANDON WATER SERVICE PROVIDED	)	
UNDER A CERTIFICATE OF PUBLIC	)	PSC DOCKET NO. 22-0302
CONVENIENCE AND NECESSITY UNDER 26	)	
<i>DEL. C. SECTION 203A.</i>	)	
(FILED APRIL 14, 2022)	)	

**ORDER NO. 10045**

**AND NOW**, this 25<sup>th</sup> day of May 2022, the Delaware Public Service Commission (“Commission”) determines and orders the following:

**WHEREAS**, on February 28, 2005, by Order No. 6851 in Docket No. 05-CPCN-31, the Commission granted a Certificate of Public Convenience and Necessity (“CPCN”) to Tidewater Utilities, Inc. (“Tidewater”) to provide water services to 27 parcels of land located in Sussex County, Delaware; and

**WHEREAS**, subsequent to the CPCN being granted in Docket No. 05-CPCN-31, Sussex County tax parcel number 234-16.00-25.00 was subdivided creating several new parcels; and

**WHEREAS**, on April 14, 2022, Tidewater filed an application (the “Application”) requesting authorization to abandon or discontinue providing water operations or service for certain parcels of land included in the CPCN, specifically Sussex County Tax Map Parcel Nos. 234-16.00-25.00, 234-16.00-25.03, and 234-16.00-25.05 (the “Abandoned Parcels”); and

**WHEREAS**, Tidewater has not requested any change with respect to the remaining parcels of land in the existing CPCN; and

**WHEREAS**, 26 *Del. C.* § 203A(d)(1) provides that no public utility shall abandon or discontinue, in whole or in part, any business, operations, or services provided under a CPCN or

otherwise, which are subject to jurisdiction of the Commission without first having received Commission approval for such abandonment or discontinuance; and

**WHEREAS**, 26 *Del. C.* § 203A(d)(3) provides that the Commission shall approve any application for abandonment when it finds that the utility has met its burden of proving that the abandonment or discontinuance is reasonable, necessary, and not unduly disruptive to the present or future public convenience and necessity; and

**WHEREAS**, based on its review, Commission Staff (“Staff”) submitted a memorandum dated May 18, 2022, which is incorporated herein by reference, wherein Staff recommends the Commission approve the Application because Staff believes Tidewater has met its burden of proof as set forth in 26 *Del. C.* § 203A(d)(3);

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE  
VOTE OF NOT FEWER THAN THREE COMMISSIONERS:**

1. The Commission hereby approves Tidewater’s Application to abandon its CPCN for Sussex County Tax Map Parcel Nos. 234-16.00-25.00, 234-16.00-25.03, and 234-16.00-25.05.
2. Tidewater shall, consistent with our previous practices, provide to the landowner of the Abandoned Parcel at least 30 days’ prior written notice of Tidewater’s abandonment of water services. Tidewater shall provide proof of such written notice to Staff on or before June 30, 2022.
3. Except for the specific removal of the Abandoned Parcel from the CPCN, Tidewater shall retain its CPCN as to the remaining parcels granted by Order No. 6851 in Docket No. 05-CPCN-31.
4. Tidewater is hereby notified that it will be assessed the costs of this proceeding pursuant to 26 *Del. C.* § 114(b)(1).
5. The Commission reserves the jurisdiction and authority to enter such further Orders

in this matter as may be deemed necessary or proper.

**BY ORDER OF THE COMMISSION:**

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Dallas Winslow, Chairman

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Joann Conaway, Commissioner

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Harold Gray, Commissioner

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Manubhai “Mike” Karia, Commissioner

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Kim F. Drexler, Commissioner

ATTEST:

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Donna Nickerson, Secretary